

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS

May 6, 1981

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, May 6, 1981 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - Hughes (arrived 10:00 p.m.), Katnich, Murphy, Pinkerton, and McCarty (Mayor)

Absent: Councilmen - None

Also

Present: City Manager Glaves, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney Stein, and City Clerk Reimche

INVOCATION

The invocation was given by Reverend Don Mulvihill, English Oaks Adventist Church

PLEDGE OF ALLEGIANCE

Mayor McCarty led the Pledge of Allegiance to the flag.

PROCLAMATIONS

Mayor McCarty presented the following Proclamations:

- a) "Small Business Week"
- b) "Nursing Home Week"
- c) "Sale of Buddy Poppies"

Mayor McCarty also acknowledged "Hire a Veteran Week", the "Youth Fair" recently held in Stockton, and the recent "Lodi Industrial Open House".

PUBLIC HEARING
RE CHURCH STREET
IMPROVEMENTS,
LOCKEFORD TO
TURNER ROAD

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor McCarty called for the Public Hearing to receive comments on the proposed Negative Declaration and Project Alternates Regarding Church Street Improvements, Lockeford to Turner Road.

The matter was introduced by Associate Civil Engineer Richard Prima. The following information regarding the proposed Church Street Reconstruction, including diagrams of the subject area was presented to Council.

CHURCH STREET RECONSTRUCTION

Environmental Assessment

PROJECT DESCRIPTION

The project, known as the Church Street Reconstruction, is located on the section of North Church Street between Turner Road and Lockeford Street. The purpose of the project is to improve traffic

Continued May 6, 1981

safety and flow by widening and reconstructing the street. As a part of the project, storm drainage facilities will be upgraded, fire hydrants and utility power lines will be relocated as necessary and curb, gutters and sidewalks will be relocated and reconstructed entirely or in part.

Church Street is a major north-south arterial in the City of Lodi. It is one of the few continuous north-south streets from Turner Road on the north to Century Boulevard on the south. The pavement, curb and gutter in the project area are in very poor condition and require a high level of maintenance. The flow of traffic is impeded by the narrow travel lanes.

Currently, the street in the project area has a curb-to-curb width that varies from 40 to 56 feet with two travel lanes and on-street parking on both sides of the street. Along much of the street there currently are planter strips with a width of 2 to 4 feet. These planters contain trees and shrubs of varying sizes.

The proposed project would retain the existing 60 foot wide right-of-way. No additional property would be required. The paved street would be widened to provide a 48-foot curb-to-curb distance. This would allow two 14-foot travel lanes and 10-foot parking lanes on both sides of the street. This would be achieved by eliminating the planter strips and relocating the existing curb, gutter and sidewalks. This width is recommended in the City's Street Master Plan (Faustman Report).

ENVIRONMENTAL ASSESSMENT

As noted in the Initial Study, potential significant environmental effects were narrowed to four specific areas. Those are air quality, noise, negative aesthetic effect, and change in traffic patterns. Each of these points was examined for this study.

- Traffic Patterns. Current traffic volumes are approximately 4,000 vehicle trips per day. The Faustman Report predicts an increase to 6,780 vehicle trips per day by 1995. The increase is expected to occur whether or not the proposed project is constructed. The street reconstruction should not significantly effect traffic patterns except to make the traffic move more safely and smoothly.

There will be some disruption of normal traffic during construction. Paving will be removed and work will be done on curbs and sidewalks, possibly restricting driveway access and on-street parking. There will also be some additional noise and dust from construction activities.

Continued May 6, 1981

These impacts will be temporary in nature. The inconvenience to neighborhood residents can be minimized by coordinating construction activities with affected homeowners and keeping them informed on what is going to take place. The construction area should be sprinkled continually to reduce dust problems. Traffic barriers and directional signs should be clearly posted.

- Air Quality. Although there may be some increase in traffic volume, it is not expected that this will increase vehicle related air pollution. Air quality is a regional phenomenon which is not significantly affected by a slight traffic increase at a single location. In general, the overall vehicle related air quality for the Lodi region will probably improve as a greater percentage of motor vehicles are equipped with emission control devices.
- Noise. Ambient noise levels are usually a function of traffic noise. Based on field measurements and calculations made in August, 1979, the average Leq noise level at 47 feet from the center line of the street is 56 to 57 decibels. With the increase in traffic volume the predicted Leq ambient noise level measurement will be 58-59 decibels. This is still within the acceptable noise range for residential exteriors.

The change in exterior noise levels due to traffic would result regardless of whether or not the project was constructed. The traffic increase will occur largely because of the new construction currently underway along Turner Road. The proposed street improvement could help the noise problem to some degree by improving the flow of traffic along Church Street. Smoothly flowing traffic produces a lower level of noise than traffic that must constantly change speeds.

- Aesthetics. The proposed project would require the removal of the existing planter strips along both sides of the street. These planters currently contain approximately 22 trees of varying sizes. These trees would be removed or relocated. This would effect the appearance of the street.

The removal of the street trees can be partially mitigated by replacing the existing trees with new trees once the project is completed. Since there would no longer be a planter strip, the trees could be placed in the front yards of the houses if this was requested by the residents. The City could assist the residents with the selection and planting of the trees.

Continued May 6, 1981

FINDING

It is the finding of the City of Lodi that the Church Street Reconstruction will not have significant environmental effects that cannot be mitigated. The City is therefore filing a Mitigated Negative Declaration on the project.

The following alternates were detailed by Mr. Prima in his presentation:

Alternate A - Widening on both sides with a curb-to-curb width of 48 feet - Estimated cost - \$400,000.

Alternate B - Widening on east side only with a curb-to-curb width of 44 feet. Estimated cost - \$330,000.

Alternate C - Widening on west side only with a curb-to-curb width of 44 feet - Estimated cost - \$370,000.

Alternate D - No widening - curb-to-curb width remains at 40 feet - Estimated Cost - \$270,000

In general, construction on all alternates includes curb, gutter and sidewalk replacement, street reconstruction and some utility relocation.

The following persons spoke in favor of the proposed reconstruction:

- a) David Fyffe, 604 N. Church Street, Lodi
- b) George Robles, 604 N. Church Street, Lodi
- c) Otto Krueger, 632 N. Church Street, Lodi
- d) Charles Lambert, 426 N. Church Street
- e) Paul Mesko, 417 N. Church Street, Lodi

The following persons spoke in opposition of the proposed reconstruction:

- a) Roland Newton, 621 N. Grant, property owner - 513 N. Church Street, Lodi

Also addressing the Council on the matter was Fred Bunnell, 722 N. Church Street, Lodi.

There being no other persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

Council discussion followed with questions being directed to Staff and to persons in the audience who had given testimony.

On motion of Councilman Katnich, Murphy second, Council certified the Negative Declaration on the Church Street Reconstruction Project - (Lockeford Street to Turner Road).

Continued May 6, 1981

Councilman Katnich then moved that Council authorize proceeding with Alternate A - widening on both sides with a curb-to-curb width of 48 feet - estimated cost of \$400,000. The motion was seconded by Mayor McCarty, but failed to pass by the following vote:

Ayes: Councilmen - Katnich

Noes: Councilmen - Murphy, Pinkerton, and McCarty

Absent: Councilmen - Hughes

Additional discussion followed with Councilman Pinkerton moving that Council authorize proceeding with Alternate B - Widening on east side only with a curb-to-curb width of 44 feet - estimated cost - \$330,000. The motion was seconded by Mayor McCarty after Councilman Murphy rescinded his second of the motion, but failed to pass by the following vote:

Ayes: Councilmen - Pinkerton

Noes: Councilmen - Katnich, Murphy, McCarty

Absent: Councilmen - Hughes

Additional discussion followed with questions being directed to Staff. Councilman Katnich then moved that Council authorize proceeding with Alternate A - widening on both sides with a curb-to-curb width of 48 feet - estimated cost - \$400,000. The motion was seconded by Mayor Pro Tempore Murphy and carried by unanimous vote of all the members of the Council present.

PLANNING
COMMISSION

AMENDMENT TO
P-D 21

City Manager Glaves gave the following report of the Planning Commission meeting of April 13, 1981. The Planning Commission - Recommended approval of the request of Grupe Communities, Inc., by Luis Arismendi to amend P-D(21), Planned Development District No. 21 by increasing the allowable residential density from 18 units per acre to 22 units per acre on Lot 56 of Lakeshore Village Subdivision which is located on the south side of West Kettleman Lane, west of the W.I.D. Canal.

PUBLIC HEARING
SET

On motion of Councilman Katnich, Murphy second, the matter was set for Public Hearing on May 20, 1981.

The Planning Commission also -

ITEMS OF
INTEREST

1. Conditionally approved the request of Baumbach and Piazza, Consulting Engineers on behalf of William Clemings for a Tentative Parcel Map to combine Lots 17 - 25, Block C of the Resubdivision of Lot 72, Lodi Barnhart Tract located on the northeast corner of South Main Street and Tokay Street in an area zoned M-2, Heavy Industrial.

Continued May 6, 1981

2. Conditionally approved the request of Baumbach and Piazza, Consulting Engineers, on behalf of Robert Griffin for a Tentative Parcel Map to resubdivide Lots 6, 7, 8 and 9, Live Oak Colony No. 3 Subdivision located at the northeast corner of Cluff and Lodi Avenues in an area zoned M-2, Heavy Industrial.
3. Conditionally approved the request of Baumbach and Piazza, Consulting Engineers, on behalf of Elmer Bertsch for a Tentative Parcel Map to create Parcels "A" and "B" from an existing lot at 300 North Cluff Avenue in an area zoned M-2, Heavy Industrial.
4. Approved, with conditions established on May 12, 1980, the request of Ronald B. Thomas for an 18-month extension of the Tentative Map of the Johnson-Tandy Ranch Subdivision.
5. Approved the request of Charles A. Wentland on behalf of Fairmont Medical Center for a Use Permit for a coffee shop in an existing medical complex at 845 South Fairmont Avenue in an area zoned R-C-P, Residential-Commercial-Professional.
6. Determined that a Zoning Hardship existed and conditionally approved the request of Don Strapp for a Variance for a second free-standing sign in the Arbor Shopping Center at 20-A West Turner Road in an area zoned P-D(17), Planned Development District No. 17.

City Manager Graves also gave the following report of the April 27, 1981 Planning Commission Meeting:

The Planning Commission -

ITEMS OF
INTEREST

12-35

1. Determined that a Zoning Hardship existed and approved the request of Robert Medina for a Variance to reduce the required sideyards from 5 feet to 4 feet to permit the expansion of an existing dwelling at 716 North School Street in an area zoned R-HD, High Density Multiple Family Residential.
2. Determined that a Zoning Hardship existed and approved the request of Morris Kirst for a Variance to reduce the minimum lot size from 4,000 square feet to 3,675 square feet which would permit the division of an existing lot at 301 West Walnut Street and 111 South Pleasant Street in an area zoned R-C-P, Residential-Commercial-Professional.
3. Approved the request of Aladdin Real Estate for a Use Permit for a restaurant and cocktail lounge at 1102 West Kettleman Lane (i.e. Parcel B, Vineyard Business Center No. 11) in an area zoned P-D(15), Planned Development District No. 15.

COMMUNICATIONS

ABC
LICENSE

City Clerk Reimche presented an Application for Alcoholic Beverage License which had been received from G & A Foods - Los Compadres - 110 N. Cherokee Lane, Lodi - Jesus Alonzo,

Continued May 6, 1981

LETTER RECEIVED FROM SENATOR HAYAKAWA RE VOTERS RIGHTS ACT 32-8	President, - On-Sale Beer and Wine Eating Place.
PUC APPLICATION 132-0	The City Clerk presented a letter which had been received from Senator S. I. Hayakawa stating that he has introduced legislation to repeal the sections of the Voting Rights Act which require the use of bilingual election materials. The City Clerk was directed by the Council to forward a letter of support to Senator Hayakawa.
SUPPORT FOR CITY OF LONG BEACH RESOLUTION 1-6	City Clerk Reimche presented a letter which had been received from P.G.&E. giving notice that in Application No. 60412 it has requested authorization to become a participant in the integrated coal gasification combined cycle demonstration program at Cool Water and to authorize concurrent recovery of its expenditures resulting from such participation.
APPROPRIATION OF FEDERAL REVENUE SHARING FUNDS 1980-81 BUDGET SET FOR PUBLIC HEARING	City Clerk Reimche presented a letter which had been received from Dr. Thomas J. Clark, Councilman, City of Long Beach, stating that the City of Long Beach requests Council's review and support of City of Long Beach Resolution No. C-23159 - "A Resolution of the City Council of the City of Long Beach Expressing its Support of Efforts by the Federal Administration to Return Powers to Local Entities and Urging a Careful Implementation of Those Efforts in Ways that will Enhance, Not Further Impede, Home Rule". With the tacit concurrence of the Council, the City Clerk was directed to write a letter of support regarding the resolution to the City of Long Beach.
REQUEST RE FILLEY RANCH 1-6	On motion of Mayor Pro Tempore Murphy, Pinkerton second, Council set for Public Hearing on May 20, 1981, consideration of proposed appropriations of Federal Revenue Sharing Funds - 1980-81 Budget.
GREEN BELT INITIATIVE PETITIIONS RECEIVED BY CITY CLERK 1-6	Council referred to Staff for investigation and a future report to Council the request received from Ronald B. Thomas for Council to authorize the City Manager to allow the City Staff to continue processing the annexation and tentative map requests which have been submitted on the project known as Filley Ranch located adjacent to and south of Sunwest Units 3 and 4.
	City Clerk Reimche announced that she had received the Lodi Green Belt Initiative Petitions and that her office was presently in the process of certifying the petitions. Mrs. Reimche announced that it is anticipated that this process will be completed and the petitions certified for presentation to the Council at the May 20, 1981 regular Council Meeting.

Continued May 6, 1981

COMMENTS BY
CITY COUNCILMEN

CITY CLERK
DIRECTED TO
PROCEED WITH
ORAL ASSISTANCE
ONLY ON FUTURE
MUNICIPAL
ELECTIONS

Following introduction of the matter by Mayor Pro Tempore Murphy, with a report regarding the subject given by City Clerk Reimche, at the request of the Council, on motion of Mayor Pro Tempore Murphy, Pinkerton second, Council adopted Resolution No. 81-45 directing the City Clerk to conduct all future elections with oral assistance only for minority languages under the Voters Rights Act (1975 Amendment). The motion carried by unanimous vote of all Council members present at the time of the action.

RES. NO. 81-45

GOOD WISHES
FOR A
SPEEDY
RECOVERY SENT
TO EZRA
EHRHARDT

Councilman Katnich announced that former Councilman Ezra Ehrhardt is ill, and the good wishes of the Council for a speedy recovery were expressed.

REPORTS OF THE
CITY MANAGER

CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, the following actions hereby set forth between asterisks, on motion of Councilman Katnich, Murphy second, were approved by the Council.

* * * * *

CLAIMS
MINUTES

CLAIMS WERE APPROVED IN THE AMOUNT OF \$2,127,157.73.
THE MINUTES OF APRIL 15, 1981 WERE APPROVED AS WRITTEN.

PLANS AND
SPECS FOR
"ALMOND DRIVE
STREET
IMPROVEMENTS"

The plans and specifications for "Almond Drive Street Improvements" were presented for Council's approval. In general, the work consists of construction of 350 lineal feet of curb, gutter and sidewalk, including driveways. The project is being funded in part by the previous owner of the Almond Drive Mobile Home Park and partly with City funds in accordance with an agreement entered into in 1961.

COUNCIL APPROVED THE PLANS AND SPECIFICATIONS FOR "ALMOND DRIVE STREET IMPROVEMENTS, 650' W/ CHEROKEE TO 270' W/CHEROKEE", AND AUTHORIZED THE CITY CLERK TO ADVERTISE FOR BIDS THEREON.

PLANS AND SPECS
FOR PLEASANT AVE.
CURB AND GUTTER
REPLACEMENT
APPROVED

The plans and specifications for Pleasant Avenue Curb and Gutter Replacement, Lodi Avenue to Walnut" were presented for Council's approval. In general, the work consists of replacing all curb and gutter in the subject block, some tree removal and minor storm drainage work. The project originally included some work on the south side of Walnut west of Pleasant. During the design process, it was determined that this work was not really necessary and it was dropped from the project.

COUNCIL APPROVED THE PLANS AND SPECIFICATIONS FOR "PLEASANT AVENUE CURB AND GUTTER REPLACEMENT, LODI AVENUE TO WALNUT" AND AUTHORIZED THE CITY CLERK TO ADVERTISE FOR BIDS THEREON.

Continued May 6, 1981

PLANS AND SPECS
FOR "MUNICIPAL
SERVICE CENTER,
PHASE III"
APPROVED

The Plans and Specifications for "Municipal Service Center, Phase III" were presented for Council's approval.

The work, in general, consists of construction of access roadways, valley gutters, and storage binds. Construction of underground drainage fire protection and gravel storage areas have previously been accomplished by contract and City forces.

COUNCIL APPROVED THE PLANS AND SPECIFICATIONS FOR THE HERETOFORE MENTIONED PROJECT AND AUTHORIZED THE CITY CLERK TO ADVERTISE FOR BIDS THEREON.

RES. AWARDDING
CONTRACT FOR
"MAXWELL STREET
PAVING"

The following bids which had been received for "Maxwell Street Paving, Ackerman Drive to Stockton Street" were presented for Council's perusal.

RES. NO. 81-46

BIDDER	BID (Alt. A)	BID (Alt. B)
Claude C. Wood Co.	\$19,640.00	\$20,440.00
Granite Construction	20,542.25	20,048.00
Teichert Construction	20,877.00	21,672.00
Pacific Asphalt	30,878.40	29,173.20

Following recommendation of the City Manager, Council adopted the following Resolution:

RESOLUTION NO. 81-46

RESOLUTION AWARDDING THE CONTRACT FOR "MAXWELL STREET PAVING, ACKERMAN DRIVE TO STOCKTON STREET" TO CLAUDE C. WOOD COMPANY, THE LOW BIDDER, IN THE AMOUNT OF \$19,640 (Alt. "A").

Council was informed that ASA Investments, Inc., the Owners/Developers of the property at 330 N. Cluff Avenue have applied for a building permit. City Code requires that the off-site improvements be installed in conjunction with the on-site improvements and that they be completed before occupancy of the buildings. However, since the area is being planned for development by an Assessment District, it appears that the owner should have this option for development. The agreement is that the developer will install the required improvements prior to occupancy, either by Assessment District or on his own if the District should fail to proceed with the work, and it is recommended that the agreement be approved. This is similar to the agreement the City has entered into with California Waste Disposal, Inc.

DEVELOPMENT
AGREEMENT
FOR 330 N. CLUFF
AVENUE APPROVED

COUNCIL APPROVED THE DEVELOPMENT AGREEMENT FOR 330 N. CLUFF AVENUE AND AUTHORIZED THE CITY MANAGER AND CITY CLERK TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

Continued May 6, 1981

AGENDA ITEM
REMOVED FROM
AGENDA

With the tacit concurrence of the Council, Agenda item "h" - "Approve Pinewood Subdivision" was removed from the Agenda and continued to the May 20, 1981 regular Council Meeting.

APPROVAL OF
LAKESHORE
VILLAGE
UNIT NO. 1

Council was informed that Grupe Communities, Inc., the developer of Lakeshore Village Unit No. 1 has furnished the City with the final map and the subdivision improvement plans as well as the necessary agreements, guarantees for faithful performance and labor and materials, insurance certificate, and subdivision fees for the proposed subdivision. This subdivision is located on the south side of Kettleman Lane from the W.I.D. Canal to approximately 2500 feet west of the Canal. It consists of 71 lots, 26 of which are zoned for commercial purposes and are located along Kettleman Lane. There are three large multi-family residential lots as well as a City well site. The remainder of the lots will be single family units.

COUNCIL APPROVED THE FINAL MAP SUBJECT TO THE COUNTY'S CONFIRMATION TO THE TECHNICAL ACCURACY OF THE MAP, THE IMPROVEMENT PLANS, AND THE IMPROVEMENT SECURITY AND DIRECTED THE CITY MANAGER AND CITY CLERK TO EXECUTE ALL AGREEMENTS REGARDING THE DEVELOPMENT OF THIS SUBDIVISION ON BEHALF OF THE CITY OF LODI.

CROSSWALK
ESTABLISHED
LOCKEFORD
AND
CALAVERAS

Council was apprised that the Police Department has requested that a crosswalk be provided across Lockeford Street on the west side of Calaveras Street.

RES. NO. 81-47

In November 1971, the Engineering Department recommended against, and the City Council denied, a request for a crosswalk at this location. The crosswalk would be used primarily by children between the ages of 4 and 11 residing south of Lockeford Street who attend Lawrence School and take a "convenient route" to school across the Southern Pacific Railroad Co. right-of-way.

In brief, the 1971 report revealed:

1. That small children had been observed crawling between moving freight cars while crossing the railroad right-of-way to and from school.
2. That teachers and parents were notified of this dangerous situation and were directed to inform the children to cross the tracks and Lockeford Street along the "safest route to school" at Washington Street.
3. That the installation of a crosswalk at Lockeford and Calaveras would be used almost exclusively by children or older pedestrians using the railroad right-of-way as a path.
4. That such an installation might be taken as an endorsement by the City of Lodi to use this dangerous route.

Continued May 6, 1981

- 5. That it should be the school's responsibility to inform students of the "safest route to school", and the parent's responsibility to see they use it.
- 6. That it was not the responsibility of the citizens of the City of Lodi to provide a fence along the railroad as a physical deterrent to prevent crossings. The cost of a fence in 1971 was estimated at approximately \$5,000.

Unless a fence is built (cost now estimated at more than \$9,000.), it appears apparent that children are still using, and will continue to use, this dangerous location as a route to school. The Engineering Department recommends the crosswalk installation for the following reason:

"Crosswalks shall be established and maintained at all intersections within the business district and at such other places within or outside the district where the City Council determines that there are particular hazards to pedestrians crossing the roadway". (Ord. No. 493, s110.)

Council adopted the following Resolution:

RESOLUTION NO. 81-47

RESOLUTION ESTABLISHING A PEDESTRIAN CROSSWALK ACROSS LOCKEFORD STREET ON THE WEST SIDE OF CALAVERAS STREET

LOT LINE
ADJUSTMENT
LOTS 14 - 15
MATTHEWS
ESTATE

Following introduction by Staff, Council adopted the following Resolution approving a Lot Line Adjustment:

RESOLUTION NO. 81-48

RES. NO. 81-48

RESOLUTION APPROVING LOT LINE ADJUSTMENT - LOTS 14 AND 15 MATTHEWS ESTATE

RESOLUTION
AUTHORIZING
DESTRUCTION OF
CERTAIN FINANCE
DEPARTMENT
FILES

City Clerk Reimche presented an inventory of Finance Department records, more than two years old requesting authorization for destruction of same. Pursuant to Government Code Section 34090, the City Attorney has filed his written consent to the destruction of these records.

RES. NO. 81-49

RESOLUTION NO. 81-49

RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN FINANCE DEPARTMENT FILES

CLASS II
SLURRY SEAL
SPECS
APPROVED

COUNCIL APPROVED THE SPECIFICATIONS FOR CLASS II SLURRY SEAL AND AUTHORIZED THE PURCHASING AGENT TO ADVERTISE FOR BIDS THEREON

Continued May 6, 1981

PARKING
DEFICIENCIES
HUTCHINS STREET -
LODI SPORTS
CENTER

Mr. Gary Vochatzer of the Lodi Racquetball Club addressed the Council advising that an agreement had been reached with the Hittle family for a lease agreement of their property to be used for temporary off-street parking for the Lodi Sports Center. Mr. Vochatzer indicated that it was his intention to gravel the subject area, provide fencing and lights. Discussion followed with questions being directed to Mr. Vochatzer and to Staff. On motion of Councilman Katnich, Pinkerton second, Council amended the Use Permit approved by the Planning Commission for the Lodi Sports Center and approved the off-street parking plan outlined by Mr. Gary Vochatzer, with the condition that if dust becomes a problem, the subject area will be oiled at the Lodi Sports Center's Expense.

REQUEST TO USE
SCHOOL STREET MALL
(PUBLIC
RIGHT-OF-WAY)
GRANTED

Council was informed that Mr. Tim Brophy, owner of Brophy's Restaurant at 15 S. School Street, has requested permission to place portable tables and chairs in the mall area next to the restaurant. According to Staff, it is not a permitted use under the guidelines for encroachment permit issuing as adopted by the City Council.

Staff's report outlined some of the problems that may arise should such a permit be issued.

Following discussion, with questions being directed to Staff and to Mr. Brophy, who was in the audience, Council on motion of Councilman Katnich, Murphy second, approved the request to use the School Street Mall (public right-of-way) for private use (to place portable tables and chairs in the mall area next to the restaurant) with the following conditions:

- a) An Encroachment Permit be obtained for one year, renewable at that time provided there have been no major problems.
- b) Access be maintained to the public phone.

ORDINANCE
RE PERMIT FOR
USE OF CITY
FACILITIES
INTRODUCED

Following introduction of the matter by City Manager Graves, Council, on motion of Councilman Pinkerton, Murphy second, introduced Ordinance No. 1225, entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 15 of the Lodi Municipal Code to Add a New Article III Thereto Entitled, 'Permit for Use of City Facilities'". The motion carried by unanimous vote.

ORD. NO. 1225

COOPERATIVE
ELECTRICITY
MANAGEMENT
PROGRAM
CONCEPT
APPROVED

Council was informed that at a recent Informal Information Meeting, a presentation was made by representatives of P.G.&E. regarding a Cooperative Electricity Management Program. The City Attorney is presently preparing a contract covering this program as outlined.

Continued May 6, 1981

Following discussion, on motion of Councilman Hughes, Katnich second, Council approved in concept the proposed Cooperative Electricity Management Program Contract and authorized the Mayor and City Clerk to execute the Contract on behalf of the City.

LOBAUGH SOUTH
ANNEXATION AND
DETACHMENT
FROM VARIOUS
DISTRICTS
APPROVED

RES. NO. 81-50
11-9-81

Council was apprised that a letter had been received from LAFCO to which was attached its Commission's Resolution No. 503 approving the proposed Lobaugh South Reorganization (LAFCO 7-81), including annexation to the City of Lodi and detachment from the Woodbridge Rural County Fire Protection District, Woodbridge Irrigation District and Woodbridge Water Users Conservation District and designating the City of Lodi as the conducting agency and authorizing the City of Lodi to complete the proceeding without public notice and hearing by the City, pursuant to the provisions of the District Reorganization Act.

Following discussion, on motion of Councilman Pinkerton, Murphy second, Council adopted Resolution No. 81-50 approving the Lobaugh South Reorganization, including annexation to the City of Lodi and detachment from the Woodbridge Rural County Fire Protection District, Woodbridge Irrigation District and the Woodbridge Water Users Conservation District. The motion carried by unanimous vote.

EILERS
REORGANIZATION
AND DETACHMENT

RES. NO. 81-51
11-9-81

Agenda item "s" - "Eilers Reorganization, including annexation of territory to the City of Lodi and detachment from the Woodbridge Rural Fire Protection District" was introduced by Community Development Director Schroeder. Diagrams of the subject area were presented for Council's perusal and questions concerning the matter were directed to Staff.

City Clerk Reimche presented a letter which had been received from Richard L. Ehrhardt, Facility Planner, Lodi Unified School District, advising that the Lodi Unified School District Board of Trustees did approve being included in the annexation of the Eilers property as long as the School District has "their" signed agreement to pay the development fees directly to the district.

Council discussion followed with questions being directed to Staff.

On motion of Councilman Pinkerton, Murphy second, Council determined to consider separately the Eilers parcels and the school parcel in this subject matter.

Speaking on behalf of the proponent of this annexation, Mr. Henry G. Eilers, was his attorney, Mr. C. M. Sullivan, Attorney at Law, 1111 W. Tokay Street, Lodi. Mr. Sullivan stated that the subject property is being proposed for annexation as it is "ripe for annexation, all utilities are available and it is located in Phase I of the City's Residential Phasing Plan. Mr. Sullivan further stated that the most likely use of the property would be for Planned Development.

Continued May 6, 1981

Mr. Henry Eilers, Linden, California, addressed the Council stating that the property had been in his family for 80 years. Mr. Eilers stated that he is an advocate of retaining prime agricultural land; however, the subject property is presently surrounded by development which makes it extremely difficult to farm.

Council discussion followed with questions being directed to Staff, Mr. Sullivan and Mr. Eilers. Following an inquiry by Council, Mr. Eilers stated that he realized that the future street alignment will cross his property.

On motion of Councilman Pinkerton, Katnich second, Council certified the Negative Declaration - Eilers Reorganization and Detachment (Eilers parcels only).

Following additional discussion, Council, on motion of Councilman Katnich, Pinkerton second, adopted Resolution No. 81-51 - Resolution of the Lodi City Council for the Application to the San Joaquin County Local Agency Formation Commission in the matter of the proposed "Eilers Addition" reorganization, including detachment from the Woodbridge Rural Fire Protection District (excluding the Woodbridge Senior Elementary School Grounds). The motion carried by unanimous vote.

ACTION ON
SCHOOL PARCEL
(EILERS
REORGANIZATION)
DEFERRED FOR
ADDITIONAL
INFORMATION

Council discussion then followed regarding the school parcel with questions being directed to Staff. A motion to include the school parcel in the annexation with the Eiler's parcels, with certain conditions, was made and rescinded. Following additional discussion, Council, on motion of Councilman Pinkerton, Murphy second, deferred action on the Woodbridge Senior Elementary School Grounds parcel to allow the City Attorney time to research what responsibility the Lodi Unified School District would have in bringing this property up to City standards, with the direction that this matter, including the requested information, be brought back to the Council at the May 20, 1981 Council Meeting.

SURPLUS PROPERTY
AT MSC SITE
(ANIMAL SHELTER
NEEDS)

Agenda item "t" - "Surplus property at MSC site" was introduced by City Manager Graves who presented a report from Chief of Police, Marc Yates indicating the need to expand the Animal Shelter. Council discussion followed with questions being directed to Staff. With the tacit concurrence of the Council, action was deferred on this matter to allow Council the opportunity to tour the Animal Shelter located at the MSC site.

Continued May 6, 1981

PURCHASE OF
POLICE PATROL
UNITS THROUGH
STATE OF
CALIFORNIA
APPROVED

RES. NO. 81-52

Council was informed that at the April 1, 1981 Council Meeting, Council approved specifications for the purchase of five full-sized police vehicles and authorized the Purchasing Agent to advertise for bids thereon. At the April 15, 1981 bid opening for these vehicles, only one bid was received as follows:

BIDDER

BID

Geweke Ford - 5 vehicles \$47,272.50

The City has now determined that these vehicles can be purchased through the State of California at a substantial savings. Therefore, it is recommended that Council reject the bid received.

On motion of Councilman Katnich, Hughes second, Council rejected the bid received from Geweke Ford for 5 police vehicles and adopted Resolution No. 81-52 authorizing the purchase of five police patrol units through the State of California at a cost of \$41,501.45.

TEMPORARY
USE OF CITY
BUILDINGS
APPROVED

Council was apprised that Parks and Recreation Director Ed DeBenedetti and Community Relations Assistant Charlene Lange have met with the Community Development Committee and propose the following groups be allowed the temporary use of City facilities:

Maple Square Firehouse

Big Valley Railroaders*

Carnegie Library

Lodi Art Center*

Civil Air Patrol (basement)

Lodi LUHS/Lodi Community Center

S.J. Delta Masonry Class (woodshop/continued use)

YMCA* (custodial building/one classroom)

S.J. Kennel Club (boxing room)

Special Events*(cafeteria - outside grounds)

It is envisioned these groups would hold their own by paying for all utilities; groups capable or interested in paying a nominal fee for rent as noted (*).

The City attorney has suggested that each temporary use group be asked to sign a contract indicating the specific terms and length of use and be asked to carry insurance naming the City as "additional insured".

It is also understood the spaces these groups occupy are in "as is condition" and any improvements the individual organizations may make to the property do not constitute an obligation on the City's part to insure space at a future date beyond the terms of the contract.

Continued May 6, 1981

On motion of Councilman Pinkerton, Murphy second, Council approved the proposal regarding the temporary use of City buildings heretofore set forth.

ADJOURNMENT

There being no further business to come before the Council, Mayor McCarty adjourned the meeting at approximately 11:30 p.m.

ATTEST:

Alice M. Reimche
ALICE M. REIMCHE
City Clerk